

103 CMR 423.00: SPECIAL MANAGEMENT AND AWAITING ACTION

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423.01 Purpose

103 CMR 423 ~~governs the operation~~.00 ~~establishes Department of Correction regulations concerning special management units~~ and the segregation of inmates on awaiting action status.

423.02 Authorization

103 CMR 423.00 is issued pursuant to M.G.L. Chapter 124, § 1 (c) and (q). 103 CMR 423.00 is not intended to confer any procedural or substantive rights not otherwise granted by state or federal law, ~~or~~ any private cause of action.

423.03 Cancellation

103 CMR 423.00 cancels all previous ~~Departmental~~departmental policy statements, bulletins, directives, orders, notices, rules and regulations regarding institution special management units (SMU) and the segregation of inmates on awaiting action status.

423.04 Applicability

103 CMR 423 ~~governs~~.00 ~~applies to those institutions either operating special management units designated by the operations superintendent of SMUs and the segregation of institution or otherwise housing inmates on awaiting action~~administrative segregation, protective custody, or disciplinary detention status in SMUs or in other locations (e.g., housing units). . 103 CMR 423.00 does not apply to (1) the placement, awaiting action, or confinement of inmates

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~~housed~~ in a ~~Departmental~~~~departmental~~ segregation unit (DSU); or (2) to the placement or confinement of inmates in a ~~Department~~~~department~~ disciplinary unit (DDU).:-

103 CMR 421, Department Segregation Units, governs only the operation of a DSU and the placement, awaiting action, and confinement of inmates in a DSU. 103 CMR 421 does not apply to (1) the operation of SMUs, or (2) the segregation of inmates on awaiting action status in SMUs or in any location other than a DSU.

#### 423.05      Access to Regulations

103 CMR 423-~~00~~ shall be maintained within the Department of Correction's central policy file, in each institution's central policy file, in each institution's inmate law library, and may be made available to the public upon request.

#### 423.06      Definitions

Alternate Feeding Status: Any inmate who becomes disruptive or assaultive by throwing food, food trays, and/or containers, or by utilizing food or drink containers to assault staff with food or any other substances, may be placed on alternate feeding status as a result of such actions. Meals served on alternate feeding status shall be the same meals as those served in general population. Alternate feeding status is considered the method to deliver and retrieve the food from the inmate and not an adjustment to the meal itself. Alternate feeding status is provided on an individual basis, based on health or safety considerations only, meets basic nutritional requirements, and occurs with the approval of the Superintendent and responsible health authority. The alternate feeding status period shall not exceed seven (7) days, and shall be consistent with 103 DOC 760, Food Service.

Awaiting Action Status: The temporary removal of an inmate from general population pending the completion of an event, such as an investigation of a serious violation of institutional rules or criminal acts, a disciplinary hearing, the inmate's reclassification, transfer, or because of a protective custody situation.

~~Administrative Segregation: A temporary form of separation from general population used when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution, e.g., inmates pending investigation for a disciplinary or criminal offense or pending transfer may be placed in administrative segregation.~~

Director of Security: The individual responsible for the overall security within a correctional institution through formulation and enforcement of rules and regulations and by overseeing the performance of security staff.

Disciplinary Detention: ~~The segregation~~As referenced in M.G.L. c. 127, § 40 as isolation; Disciplinary Detention is the separation from the general population of an inmate who has been found guilty of a serious violation of the regulations. Such sanction

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shall not exceed fifteen (15) days for one offense and no more than thirty (30) days for all violations arising out of the same or substantially connected incident(s), unless specifically authorized by the Commissioner~~commissioner~~. This status may be imposed only after complying with all provisions of 103 CMR 430, Inmate Discipline~~.00: Disciplinary Proceedings~~. Disciplinary detention does not refer to inmates sentenced to a DDU~~department disciplinary unit~~.

General Population: Any housing area, other than a SMU, a Health Service Unit (HSU), a DSU, a DDU~~special management unit, health service unit, departmental segregation unit, departmental disciplinary unit~~, or a Department~~the departmental~~ protective custody unit.

Protective Custody: A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The inmate's~~inmates~~ status is reviewed periodically by the classification committee or designated group with the goal of terminating the separate housing assignment as soon as possible.

Segregation: The confinement of an inmate in: (1) any SMU; or (2) any unit where the inmate is confined to his/her cell for approximately twenty-three (23) hours per day. For purposes of this definition, segregation shall not include the following: any placement in a DDU as the result of a sentence imposed in accordance with 103 CMR 430, Inmate Discipline; any placement ordered by a medical or mental health provider, including but not limited to, the placement of an inmate in clinical seclusion or restraint at Bridgewater State Hospital; the placement of a civilly committed Treatment Center inmate in the Minimum Privilege Unit (MPU); the placement of a civilly committed Massachusetts Alcohol and Substance Abuse Center (MASAC) or a civilly committed MCI-Framingham inmate in an observation cell; the placement of an inmate in an HSU; the placement of an inmate in a hospital; the placement of an inmate in a medical setting where treatment is being provided; or the placement of an inmate on a mental health watch.

Special Management Unit (SMU): A separate housing area from general population within institutions in which inmates may be confined for reasons of awaiting action~~administrative~~ segregation, protective custody, or disciplinary detention. The term "special management unit" shall not include a DDU or a DSU. The terms "Department Disciplinary Unit" and "Department Segregation Unit" shall not include a SMU.

Shift Commander: That officer designated by the Superintendent~~superintendent~~ to be responsible for the supervision of all subordinate custodial staff and the care and custody of inmates during an assigned tour of duty.

Superintendent: The chief administrative officer of a correctional institution.

#### 423.07 Establishment of Special Management Units

Each ~~Superintendentsuperintendent~~ of an institution with a security rating level of ~~medium~~<sup>4, 5,</sup> or ~~maximum~~<sup>6</sup> may designate an area or areas within the institution ~~as a SMU to be used for the placement and housing of inmates for the purposes set forth herein.~~<sup>placed into:</sup>

- ~~(a) Administrative Segregation~~
- ~~(b) Protective Custody~~
- ~~(c) Disciplinary Detention~~

#### 423.08 Placement, Review and Release Procedures

Each Superintendent ~~may~~<sup>shall</sup> develop procedures, ~~consistent with the procedures set forth herein, for regarding~~ the placement, review and release of inmates in ~~SMUs and for the segregation of inmates on awaiting action status in any other area of the facility's~~<sup>special management units.</sup>

(1) Assignment to Awaiting Action Segregation and Temporary Administrative/Protective Custody Segregation. ~~and — Protective Custody.~~ An inmate may be placed on awaiting action status or temporary protective custody status in ~~in administrative~~ segregation by the ~~Commissioner~~<sup>commissioner</sup> or his/her designee, or ~~the Superintendent~~<sup>superintendent</sup>, or his/her designee, e.g., disciplinary officer, shift commander, or members of an inmate's unit team. Placement on awaiting action status or temporary in ~~in administrative segregation/~~protective custody status in segregation may occur in instances ~~which include~~<sup>such as</sup>, but are not limited to, when an inmate:

- (a) Is awaiting a hearing for a violation of institution rules or regulations;
- (b) Is awaiting an investigation of a serious violation of institution rules or regulations;
- (c) Is awaiting an~~pending~~ investigation for disciplinary offenses or criminal acts that may have occurred while incarcerated;
- (d) Requests admission to ~~administrative~~ segregation for his/her own protection or staff recommends that placement in or continuation of such status is necessary for the inmate's own protection and that no reasonable alternatives are available;
- (e) Is pending transfer;
- (f) Is pending classification;
- (g) Is placed in ~~administrative~~ segregation pending the disposition of~~following~~ a disciplinary report or hearing.

#### (2) Medical and Mental Health Screenings

Prior to placement in ~~Review of administrative segregation, or immediately after placement, each inmate shall receive and protective custody~~  
inmates:

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~~(a health care screening by a qualified )—Inmates will have a physical screening by health care professional (e.g., a physician, physician assistant, nurse, or nurse practitioner).~~

~~In addition, staff prior to placement in being placed into a special management unit on administrative segregation, each inmate shall receive pre-segregation mental health screens by a qualified mental health professional as provided by 103 DOC 650, Mental Health Services, to determine whether or protective custody status or immediately after arrival in the inmate has a serious mental illness and whether there are any acute mental health contraindications to placement in segregation special management unit.~~

(3) Review of Awaiting Action Segregation and Temporary Protective Custody Segregation Inmates:

~~(a) (b)~~ The status of each inmate placed on awaiting action ~~in a special management unit on administrative~~ segregation or temporary protective custody segregation status should initially be reviewed by the Superintendents ~~superintendent~~ or designee within seventy-two (72) hours of placement. Thereafter, each inmate's status should be reviewed every seven days for the first two months and at least every thirty (30) days thereafter by a classification committee or other authorized group.

~~(b)~~ In accordance with 103 CMR 422.05, an inmate who is classified to a Department protective custody unit may be placed on awaiting action segregation status for a period that shall not exceed forty-five (45) days, unless the Commissioner shall personally approve a further period or periods of not more than fifteen (15) days. In no event, shall the total amount of time in awaiting action segregation status for such inmate exceed ninety (90) days.

~~(c)~~ An inmate who is placed in a SMU due to temporary ~~Inmates with long-term~~ protective custody needs, but who is not classified to a Department protective custody unit, shall ~~should~~ be reviewed for appropriate placement, including, but not limited to, transfer to another facility, transfer to another state or the Federal Bureau of Prisons, or, , and where appropriate, classified to a Department ~~departmental~~ protective custody unit. ~~Where the~~ After classification of such inmate to a Department ~~departmental~~ protective custody unit is contraindicated for reasons of safety and security, such inmate may remain in the SMU until appropriate, an inmate's placement may be identified and effected, subject to the review requirements set forth herein.

~~(d)~~ Mental health reviews of inmates in segregation shall be conducted by a qualified mental health professional ~~reviewed~~ in accordance with the provisions of 103 DOC 650 ~~CMR 420: Classification.~~

~~(e) d)~~ A qualified mental health professional shall make rounds in each SMU in accordance with the provisions of 103 DOC 650 and may conduct an out-of-cell meeting with personally interview and prepare a written report on any inmate remaining for whom a confidential meeting is warranted more than 30 days in the clinician's professional judgment.

(4) Additional Reviews of Awaiting Action Segregation

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(a) In addition to the reviews required by 103 CMR 423.08(3), and the review required by 103 CMR 430.21(2) for an inmate under investigation for a possible disciplinary offense, the status of each inmate placed in a SMU or on special management status in an alternate unit (including a DSU unit) on awaiting action~~administrative segregation~~ or protective custody status. ~~If such confinement continues, a psychological assessment shall be reviewed as set forth herein within ninety (90) days of placement and made at intervals of no longer than ninety (90) least every 90 days thereafter.~~ Inmates housed in a SMU pending the availability of a bed in a Secure Treatment Unit (STU) or following the imposition of a DDU sanction, shall not receive the review required by this section ~~more frequently if prescribed by the chief medical authority.~~

(b) The additional review process shall consist of the following:

**Review:** A Correctional Program Officer shall: (i) review information pertinent to the inmate's placement and retention in the SMU or on special management status in an alternate unit on awaiting action or protective custody status; (ii) conduct a hearing; and (iii) make recommendations whether there is a need for the inmate's continued placement in a SMU or on special management status.

**Notice:** The inmate shall be provided with at least forty-eight (48) hours advance written notice of the scheduled hearing. The notice shall state the basis upon which the inmate is housed in the SMU or on special management status in an alternate unit. Notice shall be documented and may be waived by the inmate in writing.

**Hearing:** At the hearing, the inmate may offer a verbal or written statement and/or submit documentation to contest the rationale for his/her placement in the SMU or on special management status in an alternate unit. The inmate shall not be entitled to call witnesses or to representation by counsel. At the conclusion of the hearing, the Correctional Program Officer shall inform the inmate orally of his/her recommendation as to whether there is a need for the inmate's continued placement in a SMU or on special management status in an alternate unit.

In all instances where language barriers exist, the Telephone Interpreter Service shall be used, and its use documented. Hearing impaired inmates may request an interpreter pursuant to the procedures set forth in 103 DOC 408, Special Accommodations for Inmates.

The inmate's failure to appear at the scheduled hearing shall be deemed a refusal to appear.

**Recommendation:** Within two (2) business days of the hearing, the Correctional Program Officer shall make a recommendation via IMS as to whether the inmate should continue to be housed in the SMU or on special management status in an alternate unit

and the rationale for such recommendation. A copy of this recommendation shall be served on the inmate.

**Inmate Appeal:** If the inmate disagrees with the written recommendation of the Correctional Program Officer, the inmate may submit a written appeal within five (5) business days of service of the correctional program officer's written recommendation.

**Final Decision:** If the inmate does not appeal, waives appeal, or does not submit a timely appeal, the Deputy Superintendent for Reentry or designee shall render the final decision via IMS and provide the inmate with such decision in writing. If the inmate has submitted a timely appeal, then the Superintendent or designee shall render the final decision via IMS and provide the inmate with such decision in writing. The written decision shall explain the reasons for the inmate's placement/status and shall be provided to the inmate within twenty (20) business days after the date of the hearing.

(5)(3) **Placement in Disciplinary Detention** An inmate may be placed in disciplinary detention only after being found guilty of a ~~serious~~-violation of regulations as provided by 103 CMR 430, Inmate Discipline. Disciplinary detention shall not exceed fifteen (15) days for any one offense and no more than thirty (30) days for all violations arising out of the same or substantially connected incident(s), unless specifically authorized by the ~~Commissioner~~commissioner, and only after complying with all provisions of 103 CMR 430, ~~Disciplinary Proceedings~~.

(64) **Review of Disciplinary Detention Status** The ~~Superintendent~~superintendent shall designate such person(s) as he/~~she~~ deems appropriate to review the status of inmates housed on disciplinary detention on a weekly basis. Mental health reviews of inmates housed on disciplinary detention status shall be conducted in accordance with 103 DOC 650.

~~A qualified mental health professional shall interview and prepare a written report on any inmate remaining in disciplinary detention for more than 30 days. If such confinement continues, a psychological assessment shall be made at least every 90 days thereafter—more frequently if prescribed by the chief medical authority.~~

#### 423.09 Conditions of Confinement

(1) **Awaiting Action**(1)——~~Administrative~~ Segregation/~~Temporary~~ Protective Custody: Each ~~Superintendent may~~superintendent shall develop procedures, consistent with the procedures set forth herein, for ~~for the~~ conditions of confinement of all inmates housed in SMUs or on awaiting action segregation or temporary protective custody in other special management units.

(a) (a)——**Personal Items:** Inmates should, as far as reasonably practicable, ~~be~~ provided clothing that is comparable to that permitted in general population. Property will be restricted to what is permitted to transient inmates by ~~in~~ 103 CMR 403.11, Approved Inmate Personal Property. ~~Transient with the exception of a cigarette lighter that is prohibited.~~ In addition, each inmate ~~shall~~will be

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permitted a radio. The ~~Superintendents~~superintendent is authorized to further limit the amount of property and to issue jumpsuits in lieu of such clothing for security purposes, if there is imminent danger that an inmate or inmates will destroy an item, or induce injury to self or others.

- (b) Personal Hygiene: Inmates shall have the opportunity to shave and shower at least three (3) times per week. Additionally, all inmates shall be issued an allowed exchange of clothing, bedding, and linen, and provided laundry, barbering, and hair care services on the same basis as general population. Exceptions shall only be permitted when found necessary by the supervising officer on duty, and shall be recorded in the unit log and justified in writing.
- (c) Meals: ~~Inmates~~All inmates shall receive the same meals as those served to the general population. ~~If an inmate becomes disruptive or assaultive by throwing food, food trays, and/or containers, or by utilizing food or drink containers to assault staff with food or any other substances, he/she may be unless being placed upon alternate feeding status as a result of such actions. Alternative meal service may be provided to an inmate in a special management unit who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service is provided on an individual basis, based on health or safety considerations only, meets basic nutritional requirements, and occurs with the approval of the superintendent and responsible health authority. The substitution period shall not exceed seven days.~~
- (d) Mail: All inmates shall be provided the same opportunities for writing and receipt of letters as is available to the general population.
- (e) Visitation: Inmates shall ~~normally~~ have opportunities for visitation, including legal visitation, similar to general population, unless articulable reasons for withholding such privileges exist. The length and number of visits may be limited due to space, schedules, personnel constraints, or when there is a substantial reason to justify limitation.
- (f) Legal Material: All inmates shall have access to legal materials and legal reference material.
- (g) Reading Material: Inmates shall have access to reading materials and the opportunity to borrow reading materials from the institution library.
- (h) Exercise: All inmates shall receive one (1) hour of exercise per day outside their cells, five (5) days per week, unless security or safety considerations dictate otherwise. Additional out-of-cell time shall be provided as required by 103 DOC 650.



- (i) Telephone Access: Inmates shall be allowed telephone privileges in accordance with institutional procedure. Superintendents may set limits on the permitted number of telephone calls.
- (j) Programs: Inmates shall receive the services of a Correctional Program Officer, ~~correctional program officer~~. Inmates may participate in such educational, vocational, and/or rehabilitative programs as can be provided within the confines of the SMU special management unit, consistent with the security needs of the unit. ~~Emphasis shall be placed on making rehabilitative programming available which has as its goal the return of persons to the general prison population.~~ The Institutional Chaplain, ~~institutional chaplain~~(s) shall visit SMU special management units weekly. Programs may be limited to those inmates who have been or are likely to be confined on a long term basis.
- (k) Canteen: Inmates may order stamps, cosmetics and legal supplies from the canteen. These items may be withheld if the institution's Director, ~~director~~ of Security, ~~security~~ determines that they pose a threat to the security of the SMU special management unit.
- (l) Medical Services: All inmates shall receive visits from a member of the HSU health services unit daily, unless medical attention is needed more frequently. All inmates in need shall be provided ~~of~~ prescribed medications and/or therapeutic diets, as approved by health service staff.

(m) Mental Health Services: The provision of mental health services, including screens, evaluations, assessments and treatment, to inmates confined in SMUs or on awaiting action segregation in other units, and the removal of ~~such inmates from SMUs or from awaiting action segregation or protective custody in other units for mental health considerations, shall be governed by 103 DOC 650.~~

(2) Disciplinary Detention: ~~(2) DISCIPLINARY DETENTION~~ Each Superintendent ~~may~~ shall develop additional procedures, consistent with the procedures set forth herein, for the conditions of confinement of all inmates housed on disciplinary detention status in SMU special management units.

- (a) Personal Items: Inmates shall be provided clothing that is comparable to that permitted in general population. Property will be restricted to what is permitted to transient inmates by ~~in 103 CMR 403.00, et seq., Approved Inmate Personal Property~~ ~~Transient with the exception of a cigarette lighter which is prohibited.~~ Inmates shall ~~will~~ not be permitted a television or radio. The Superintendent, ~~superintendent~~ is authorized to further limit the amount of property and to issue jumpsuits in lieu of such clothing for security purposes, if there is imminent danger that an inmate or inmates will destroy an item, or induce injury to self or others.

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- (b) Personal Hygiene: Inmates shall have the opportunity to shave and shower at least three (3) times per week. Additionally, all inmates shall be issued an allowed exchange of clothing, bedding, and linen, and provided laundry, barbering, and hair care services on the same basis as general population. Exceptions shall only be permitted when found necessary by the supervising officer on duty, and shall be recorded in the unit log and justified in writing.
- (c) Meals: ~~Inmates~~ All inmates shall receive the same meals as those served to the general population. ~~If unless being placed upon alternate feeding, Alternative meal service may be provided to an inmate becomes disruptive or assaultive by throwing in a special management unit who uses food, or food trays, and/or containers, or by utilizing food or drink containers to assault service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service is provided on an individual basis, based on health or safety considerations only, meets basic nutritional requirements, and occurs with food or any other substances, he/she may be placed on alternate feeding status as a result the approval of such actions. the superintendent and responsible health authority. The substitution period shall not exceed seven days.~~
- (d) Mail: All inmates shall be provided the same opportunities for writing and receipt of letters as is available to the general population.
- (e) Visitation: Inmates on disciplinary detention shall ~~only~~ be allowed only legal visits pursuant to 103 CMR 486, Attorney Access at Massachusetts Correctional Institutions, from their attorneys/paralegal assistants unless otherwise authorized by the ~~Superintendent~~ superintendent. The length and number of legal visits may be limited due to space, schedules, personnel constraints or when there is a substantial reason to justify limitation.
- (f) Legal Material: All inmates shall have access to legal materials and legal reference material.
- (g) Reading Material: Superintendents may limit access to and/or the amount of reading materials made available to inmates on disciplinary detention status.
- (h) Exercise: All inmates shall receive one (1) hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.
- (i) Telephone Access: Inmates shall receive only limited use of the telephone for emergency calls and calls to ~~their~~ the attorney, paralegal, law student and/or investigator, of record in connection with prospective or pending litigation.

Procedures shall specify hours of availability, length of calls, and other limitations~~limitation~~ that may apply.

(j) Programs: Access to programs while on disciplinary detention shall be prohibited unless remaining on such status for over sixty (60) days.

(k) Canteen: Canteen purchases shall be restricted to cosmetic items only. Superintendents may restrict the amount and type of cosmetic items purchased.

(l) Medical Services: All inmates shall receive visits from a member of the HSU~~health services unit~~ daily unless medical attention is needed more frequently. All inmates in need shall be provided ~~of~~ prescribed medications and/or therapeutic diets, as approved by health service staff,

(m) Mental Health Services: All inmates shall receive mental health services as ~~be~~ provided by 103 DOC 650~~such~~.

#### 423.10 Control and Management

Each superintendent whose institution contains a SMU~~special management unit~~ shall establish additional written procedures, consistent with the procedures set forth herein, governing the following:

(1) Personnel Selection, Training, and Evaluation: Procedures shall govern the selection criteria, supervision, and rotation of staff who work directly with inmates in a SMU~~special management unit~~ on a regular daily basis.

(2) Records: ~~All Procedures shall establish permanent logs and for documentation of all activities and events shall be documented in IMS, including, but not limited to: admissions and releases; unit visitors; unusual events; inmates' opportunities for showering; out of cell exercise; and telephone access; reviews conducted pursuant to section 423.08(4);—~~ and deprivation of any usually authorized items or privileges of an inmate. In the latter mentioned instance, any such deprivation of ~~ana~~ usual item or activity shall require that a report be filled out and sent to the ~~Director~~director of ~~Security~~security or designee and to the inmate's case folder.

(3)- Supervision:

(a) ~~(a)~~—Procedures shall require that all inmates on awaiting action~~administrative~~ segregation, protective custody, or disciplinary detention status, are personally observed by correctional staff at least every thirty (30) minutes, on an irregular schedule, unless their behavior requires more frequent observation.

(b) ~~(b)~~—Procedures shall require daily tours of inspection by the shift commander or designee and the logging of times and results of such inspections.

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(c) Procedures shall require that inmates on protective custody or awaiting action~~administrative~~ segregation status receive visits from program staff upon request.

(4) Safety: Procedures shall provide for the safe evacuation of all inmates in the event of a fire or other emergency.

(5) Cell Furnishings and Fixtures: Procedures shall require supplying each cell in which an inmate is housed with a bed, table, chair/stool, one blanket, two sheets, one pillow and one pillow case. Additionally, procedures shall identify~~be established listing~~ personal items authorized for retention in inmates' cells according to status.

(6) Security and Control:

(a) ~~(a)~~ Movement Within The Unit: Procedures shall specify~~provide for~~ when inmates may be released from their cells, ~~and~~ how they are supervised, the number of inmates to be permitted out of their cells at any one time, and when~~the~~ visitation between~~of~~ inmates may take place.

(b) ~~(b)~~ Searches and Confiscation: Seizures Procedures shall provide for searches~~of searching~~ an inmate and of~~for~~ his/her cell, the frequency of searches conducted, the search~~searching~~ of clothing, laundry, or other property, and for the storage of any property ~~of the inmate~~ which is confiscated as a result of a search.

(c) Security Inspection: Procedures shall provide for security inspections to occur at the frequency of once per shift for the entire unit.

#### 423.11 Responsible Staff

(1) The ~~Director~~director of Policy Development~~policy development~~ and Compliance Unit (PDCU)~~compliance~~ shall be responsible for implementation of this policy and for the review of all institutional procedures.

(2) Each ~~Superintendent~~superintendent shall develop all necessary procedures in accordance with this policy and shall ensure that institutional practice conforms to these directives.

#### 423.12 Review Date

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103 CMR 423 shall be reviewed at least annually by the Commissioner or a designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating revisions, additions or deletions which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

~~103 CMR 423.00 shall be reviewed annually from the effective date by the director of policy development and compliance.~~

#### 423.13 Severability Clause

If any article, section, subsection, sentence, clause or phrase of 103 CMR 423.~~00~~ is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 423.~~00~~.

#### REGULATORY AUTHORITY

103 CMR 423.00: M.G.L. c. 124, § 1(c) and (q)

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